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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,284	03/20/2002	Wolfgang Leutsch	1967	8992
7590	02/10/2004		EXAMINER	
Striker Striker & Stenby 103 East Neck Road Huntington, NY 11743			BAHTA, ABRAHAM	
			ART UNIT	PAPER NUMBER
			1775	7
DATE MAILED: 02/10/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/030,284	LEUTSCH, WOLFGANG
Examiner	Art Unit	
Abraham Bahta	1775	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 March 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3 and 10 is/are rejected.
- 7) Claim(s) 4-9 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1775

Specification

On page 1, line 6 the specification refers to claim 1. The disclosure should not refer to any claim because the numbering of the claims may change during the course of the patent persecution. Correction is requested.

Abstract

The abstract of the disclosure is objected to because it is not in one paragraph. Further, the term "Figure 2" should be included within the paragraph or deleted. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 5, line 3 the term "preferably" is indefinite as it does not recite a positive limitation. The Examiner has taken the position that the width is limited to 4 to 6 mm. It is suggested applicant delete "preferably".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 1775

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Rickett (USP 3,428,997) or JP 61-110,652.

Rickett teaches a windshield wiper blade comprising a first major body portion (which may be interpreted a profile spine) which is of a general rectangular shape in cross-section secured to a second major body portion (which may be interpreted a functional part) by means of a first bending or tilting flange or neck (14). As shown at Figs. 1-4 the second major portion or the functional part may be supported by the major body section (10). A bending or tilting neck (36) connects the upper portion of the major portion to section (10) of the second major portion and the functional part or the second major portion is connected to portion (10) of the first major portion via a second flange or neck (14). See col. 2, line 45 through col. 3, line 53. The reference teaches when the friction between the blade and the glass exceeds a certain point the flange 36 bends and the top 30 of the body (10), impinges on the supporting metal and the body (10) is tilted so that the top is against the metal sheath covering the T-shaped flange (38).

JP '652 teaches a wiper blade rubber comprising an intermediate rubber a functional part or a lip wherein the intermediate portion is connected to the upper portion and to the functional part or lip of the wiper via a neck. See the figures. Further, the reference teaches the intermediate rubber titles down till shoulder parts 7 and 8 hit the metal fitting keeping part 1 and afterward a lip part 5 tilts down till the shoulder parts 9 and 10 hit the intermediate rubber. See abstract.

Art Unit: 1775

Claim Rejections - 35 USC § 102

Claims 1 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 00/05111.

WO '111 teaches a windscreen wiper comprising a profile spine (Fig.2) and a wiping portion or a functional part (20) which is connected to the upper portion of the wiper via a bridge or a neck (28, 32). The wiper portion or the functional part includes a support portion or an intermediate portion (18) which is connected to the upper portion or backing strip of the wiper blade via a bridge or a neck (28). The tilting position of bridges (28) and (32) are shown at Fig. 2.

Regarding claim 10, the reference teaches the wiper comprises a backing strip which is secured to a beam which may be curved in plane or may have compound curvature. See page 4, lines 80-83.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Nagy (SP 5,893,193).

Nagy teaches a wiper blade for windshields comprising a support frame consisting of several support bracket parts holding an elongated wiper strip. The wiper has a wiper lip or a

Art Unit: 1775

functional part and is connected to the upper portion of the wiper via a base component (30). Further, the wiper lip includes a supporting portion or a wing-like widening (36, 38) which is connected to the upper portion of the wiper blade via the base component (30). The supporting portion or the wing-like widening (36,38) is also connected to the wiper lip or functional part via a narrow tilting bar (32). See Fig. 2-3 and col. 2, line 61 to col. 3, line 20. Fig. 3 shows the tilting positions of the base component (30) and narrow bar (32).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagy

‘193 as applied to claim 1 and further in view of WO 00/05111.

As discussed above, Nagy teaches applicant’s claimed invention including tilting of the base component (30) and when the base components tilts the supporting section or a wing-like widening (36,38) bears against the upper portion of the wiper and when the tilting bar tilts the wedge of the wiper lip tilts and bears against the supporting section or wing-like widening with one shoulder (36). The reference does not require a complete fold of the base component (3); however, Fig. 3 shows the tilting of the base component. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have downsized the thickness so that

Art Unit: 1775

the base component may substantially completely fold depending on the pressure which is to be exerted on the wiper blade and the coefficient of friction of the surface to be cleaned for which the wiper is intended.

Claim 3: Nagy teaches the wiper blade has a tip wherein the tip is penetrated by a longitudinal conduit in which a runner-like spring element is housed which at least approximately extends over the entire length of the wiper strip and provides the proper distribution of the wiper blade bearing force. Further, on the side facing away from the support frame, the tip has two longitudinal grooves located opposite each other. See col. 2, line 61 through col. 3, line 6. The reference does not require a width of 6 to 10 mm and a total height of 3.5 to 7 mm for the major body and a thickness between 0.7 and 1.2, a width between 2.5 and 4.5 mm for the grooves and the functional part and the supporting section or the first major portion to have a total height of 4-7 mm; however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have varied the width and height for the major body and width and thickness for the grooves depending on the surface area for which the wiper is intended to clean. Absent a showing of unexpected result the claim is not seen to provide a patentable distinction over the reference.

With respect to claim 10, the reference does not require securing the wiper to a carrier by a means of a cover strip; however, WO '111 teaches a windscreen wiper comprising a profile spine (Fig.2) and a wiping portion or a functional part (20). The reference teaches the wiper

Art Unit: 1775

comprises a backing strip which is secured to a beam which may be curved in plane or may have compound curvature. See page 4, limes 80-83.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a carrier such as a beam as taught by WO '111 so that pressure force exerted on the wiper may be uniformly distributed equally across the length of the wiper blade.

Allowable Subject Matter

Claims 4-9 are allowed.

The following is Examiner's reasons for allowance: The closest prior art is US Patent to Rickett (3,428,997) , US Patent to Nagy (5,893,193) and WO 00/05111 which are discussed above; however, the references alone or in combination do not teach a wiper strip having a profile spine which is limited at the top by a cover strip which is 0.5 to 2mm high, an intermediate wall having a thickness of 0.6 to 1 mm, a cover strip having a thickness of 0.5 to 1 mm and is located between the longitudinal grooves and functional part wherein the wiper wedge, the wiper lip decreases continuously toward the exposed end of the wiper lip to a value of 0.5 to 1 mm and wherein the supporting section has a total height of 4 to 7 mm. Thus, when the functional part of the wiper is in action the folding-over noise is greatly diminished.

Art Unit: 1775

Any inquiry concerning this communication should be directed to Abraham Bahta at telephone number (571) 272-1532. The Examiner can normally be reached Monday-Friday from 11:30 AM -8:00 PM (EST).

If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor Deborah Jones can be reached on (571) 272-1535. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.



DEBORAH JONES
SUPPLY PATENT EXAMINER



A. Bahta

01/29/04